

Message Text

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 537

UNCLAS SECTION 1 OF 2 OTTAWA 2963

E.O. 11652: N/A

TAGS: MILI, MARR, CA, US

SUBJ: GOOSE BAY AGREEMENT

REF: STATE 134621, STATE 135612

1. SUMMARY: GOC PROPOSES AMENDMENTS TO EXCHANGE OF NOTES CONSTITUTING GOOSE BAY AGREEMENT EFFECTIVE FROM OCT 1. MAJOR CHANGES: LIFE OF AGREEMENT EXTENDED TO TEN YEARS AFTER WHICH TERMINATION POSSIBLE ON 12-MONTH NOTICE (AS EXPLAINED BY EXTAFF, THIS DESIGNED TO GIVE ARRANGEMENTS GREATER "STABILITY" AND TO ATTENUATE EMPLOYMENT AND OTHER PROBLEMS ATTENDANT ON TERMINATION); U.S. AIR FORCE SPECIFIED AS OPERATIVE U.S.G. AGENCY FOR IMPLEMENTING AGREEMENT; FULFILLMENT OF NORAD AND NATO OBLIGATIONS SPECIFIED AS PURPOSE OF AGREEMENT (OTHER USES, E.G. AIRLIFT TO ISRAEL, WOULD REQUIRE GOC APPROVAL SEPARATE FROM AGREEMENT); PROVISION INSERTED TO EXTEND NATO STATUS OF FORCES COVERAGE TO CANADIAN CIVILIAN EMPLOYEES. END SUMMARY.

2. EXTAFF DEFENSE RELATIONS DIRECTOR MARSHALL CALLED IN POLCOUNS JULY 20 TO PROVIDE FOLLOWING RE-DRAFT OF U.S. NOTE DELIVERED JUNE 3 CONSTITUTING PROPOSED GOOSE BAY UNCLASSIFIED

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AGREEMENT REPLACEMENT. IN ADDITION TO COMMENTS NOTED

IN ABOVE SUMMARY, MARSHALL NOTED THAT NEW GOC DRAFT HAS BEEN CLEARED BY INTERESTED ELEMENTS WITHIN GOC BUREAUCRACY. MAIN GOC CONCERN WAS TO GIVE AGREEMENT GREATER STABILITY AND SPECIFICITY BOTH AS TO USES AND USERS WITHIN USG. HE EMPHASIZED THAT CANADIAN DRAFT SHOULD BE LOOKED UPON AS JUST THAT, WITH CANADIAN POSITIONS OPEN TO NEGOTIATION AND WITH GOC PREPARED, FOR INSTANCE, TO HAVE TREATMENT TO BE ACCORDED CANADIAN CIVILIANS COVERED IN SUBSEQUENT MEMORANDUM OF UNDERSTANDING IF DESIRED BY U.S.

3. BEGIN TEXT.

SIR: I HAVE THE HONOR TO REFER TO THE AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND OF CANADA EFFECTED BY AN EXCHANGE OF NOTES DATED JUNE 29, 1973, AS EXTENDED BY THE EXCHANGE OF NOTES DATED JUNE 28 AND 29, 1976, CONCERNING ARRANGEMENTS FOR THE USE BY THE UNITED STATES OF FACILITIES AT THE GOOSE BAY AIRPORT, GOOSE BAY, NEWFOUNDLAND, AND TO RECENT DISCUSSIONS WHICH HAVE TAKEN PLACE BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING ARRANGEMENTS FOR THE CONTINUING USE OF FACILITIES AT THE GOOSE BAY AIRPORT BY THE UNITED STATES ARMED FORCES AFTER THE EXPIRATION OF THE AFOREMENTIONED AGREEMENT ON SEPTEMBER 30, 1976. AS A RESULT OF THESE DISCUSSIONS, I NOW HAVE THE HONOR TO PROPOSE THAT THE CONDITIONS SET FORTH IN THE ATTACHED ANNEX, WHICH ACCORD WITH THE UNDERSTANDINGS REACHED BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS, SHOULD GOVERN THE USE OF FACILITIES AT THE GOOSE BAY AIRPORT BY THE UNITED STATES ARMED FORCES AFTER SEPTEMBER 30, 1976.

IF THESE CONDITIONS ARE ACCEPTABLE TO YOUR GOVERNMENT, I PROPOSE THAT THIS NOTE, TOGETHER WITH ITS ANNEX, AND YOUR REPLY TO THAT EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON OCTOBER 1, 1976, AND REMAIN IN FORCE FOR AN INITIAL PERIOD OF TEN YEARS DURING WHICH ITS TERMS MAY BE REVIEWED AT ANY TIME AT THE REQUEST OF EITHER

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PARTY AND REVISED BY MUTUAL AGREEMENT OF THE TWO PARTIES. FOLLOWING THIS TEN-YEAR PERIOD, THE AGREEMENT SHALL CONTINUE IN FORCE UNLESS TWELVE MONTHS' NOTICE OF INTENTION TO TERMINATE HAS BEEN GIVEN IN WRITING BY ONE GOVERNMENT TO THE OTHER. IT IS UNDERSTOOD THAT THIS NEW AGREEMENT SHALL SUPERSEDE THE AGREEMENT EFFECTED BY THE EXCHANGE OF NOTES DATED JUNE 29, 1973, AS EXTENDED BY THE EXCHANGE OF NOTES DATED JUNE 28, AND 29, 1976.

ANNEX

STATEMENT OF CONDITIONS GOVERNING THE
USE BY THE UNITED STATES ARMED FORCES
OF FACILITIES AT THE GOOSE BAY AIRPORT

(HEREINAFTER, UNLESS THE CONTEXT OTHERWISE REQUIRES,
"CANADA" MEANS THE GOVERNMENT OF CANADA, "U.S." MEANS
THE GOVERNMENT OF THE UNITED STATES OF AMERICA, "USAF"
MEANS THE UNITED STATES AIR FORCES, AND "GOOSE BAY" MEANS
THE GOOSE BAY AIRPORT).

1. GENERAL

IN ORDER TO FULFILL NORTH AMERICAN DEFENCE AND NATO
OBLIGATIONS, THE UNITED STATES ARMED FORCES SHALL HAVE
THE USE OF FACILITIES AT GOOSE BAY FOR SERVICING,
MAINTENANCE AND REFUELING OF ITS AIRCRAFT.

2. FACILITIES

A. ALL BUILDINGS, STRUCTURES AND IMPORVEMENTS
PERMANENTLY AFFIXED TO THE REALTY AT GOOSE BAY
INCLUDING THOSE THAT MAY HAVE BEEN CONSTRUCTED OR
FINANCED BY THE U.S. ARE THE PROPERTY OF CANADA AND
THE RIGHT OF DISPOSAL SHALL REST IN CANADA. THE
OWNERSHIP OF ALL OTHER PROPERTY AT GOOSE BAY
PURCHASED OR FINANCED BY THE U.S. SHALL REMAIN
WITH THE U.S. THE U.S. SHALL HAVE UNRESTRICTED
RIGHT OF REMOVING OR DISPOSING OF ALL U.S. REMOVABLE
PROPERTY AT ANY TIME, PROVIDED THAT REMOVAL OR
DISPOSAL SHALL NOT BE DELAYED BEYOND A REASONABLE
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TIME FOLLOWING THE TERMINATION OF THIS AGREEMENT.
THE DISPOSITION WITHIN CANADA OF U.S. EXCESS
PROPERTY AT GOOSE BAY SHALL BE EFFECTED IN ACCORD-
ANCE WITH THE EXCHANGE OF NOTES BETWEEN THE U.S.
AND CANADA DATED AUGUST 28, 1961 AND SEPTEMBER 1,
1961, CONCERNING THE DISPOSAL OF UNITED STATES
EXCESS PROPERTY IN CANADA.

B. CANADA SHALL, SUBJECT TO AVAILABILITY, PROVIDE
THE USAF FROM WITHIN THE EXISTING INFRASTRUCTURE
OF GOOSE BAY SUCH FACILITIES AS HANGARS, WARE-
HOUSES, OFFICE BUILDINGS, PARKING APRONS, AND
STORAGE AND DISTRIBUTION FACILITIES FOR AVIATION
FUEL AND OTHER PETROLEUM SUPPLIES.

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3. OPERATING RIGHTS

SUBJECT TO THE TERMS OF THIS AGREEMENT, UNITED STATES ARMED FORCES AIRCRAFT SHALL HAVE THE RIGHT TO USE GOOSE BAY UNDER AIRTRAFFIC CONTROL ARRANGEMENTS PROVIDED BY CANADA. THERE WILL BE PRIOR NOTIFICATION TO APPROPRIATE CANADIAN AIRPORT AUTHORITIES AT GOOSE BAY OF ALL EXPECTED ARRIVALS.

THE USAF SHALL HAVE SUCH RIGHTS AS ARE NECESSARY TO SUPPORT THE OPERATION OF THE AFOREMENTIONED AIRCRAFT AT GOOSE BAY, INCLUDING THE RIGHT:

A. OF FREE ACCESS TO AND EGRESS FROM THE FACILITIES MADE AVAILABLE FOR ITS USE, INCLUDING UNRESTRICTED AND UNINTERRUPTED USE OF ROADWAYS, SUBJECT TO ANY REASONABLE VEHICLE CONTROL MEASURES THAT MAY BE IMPOSED BY THE APPROPRIATE CANADIAN AUTHORITIES.

B. UNDER PROCEDURES TO BE EMBODIED IN AN IMPLEMENTING ARRANGEMENT TO BE CONCLUDED UNDER PARAGRAPH 9 OF THE ANNEX, TO STATION PERSONNEL AT GOOSE BAY; TO ISSUE ORDERS FOR THEIR CONTROL AND COMMAND; AND TO UNDERTAKE SUCH INTERNAL SECURITY MEASURES AS MAY

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BE DEEMED NECESSARY; AND

C. SUBJECT TO THE APPROVAL OF THE CANADIAN DEPARTMENT OF NATIONAL DEFENCE, TO INSTALL AND OPERATE MILITARY EQUIPMENT, INCLUDING COMMUNICATIONS EQUIPMENT, RADAR AND OTHER ELECTRONIC DEVICES, PROVIDED THAT SUCH INSTALLATIONS SHALL NOT INTERFERE WITH EXISTING CANADIAN INSTALLATIONS.

4. BASE SUPPORT SERVICES

CANADA SHALL PROVIDE VARIOUS BASE SUPPORT SERVICES SUCH AS REAL PROPERTY MAINTENANCE AND REPAIR, BILLETING AND HOUSING, UTILITIES, AIR TRAFFIC CONTROL, FOOD SERVICE, GROUND TRANSPORTATION, SNOW REMOVAL, FIRE PROTECTION, WEATHER SERVICE, MAINTENANCE OF BASE SUPPORT EQUIPMENT, MEDICAL CARE, BASE EXCHANGE AND RECREATION FACILITIES. THE USAF SHALL BE RESPONSIBLE FOR OBTAINING AVIATION FUELS AND LUBRICANTS REQUIRED FOR U.S. ARMED FORCES OPERATIONS. CERTAIN EQUIPMENT AND SPARES WILL BE MADE AVAILABLE BY THE USAF FOR SUPPORT OF OPERATIONS AT GOOSE BAY AS SPECIFIED IN IMPLEMENTING ARRANGEMENTS TO BE CONCLUDED IN ACCORDANCE WITH PARAGRAPH 9 OF THIS ANNEX. IN ADDITION, THE USAF MAY EMPLOY A PRIVATE CANADIAN CONTRACTOR TO PROVIDE CERTAIN BASE SUPPORT SERVICES IT REQUIRES.

5. FINANCING

A. AS A GENERAL PRINCIPLE, FACILITIES AND BASE SUPPORT SERVICES PROVIDED BY CANADA TO THE USAF SHALL BE PROVIDED ON A COST RECOVERABLE BASIS IN ACCORDANCE WITH THE TERMS AND PROVISIONS CONTAINED IN IMPLEMENTING ARRANGEMENTS TO BE CONCLUDED PURSUANT TO PARAGRAPH 9 OF THIS ANNEX.

B. ANY ACTION REQUIRED TO BE TAKEN UNDER THIS AGREEMENT SHALL BE SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDS.

6. CANADIAN LAW

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THE LAWS OF CANADA SHALL APPLY THROUGHOUT GOOSE BAY.

7. STATUS OF FORCES

A. THE PROVISIONS OF THE NORTH ATLANTIC TREATY ORGANIZATION STATUS OF FORCES AGREEMENT SIGNED IN LONDON ON JUNE 19, 1951 SHALL APPLY.

B. NOTWITHSTANDING THE FOREGOING, IF DAMAGE IS CAUSED TO PROPERTY OWNED BY THE U.S. BY AN EMPLOYEE OF CANADA, OTHER THAN AN EMPLOYEE OF THE ARMED FORCES OF CANADA, UNDER CIRCUMSTANCES WHEREBY THE U.S. WOULD WAIVE ALL ITS CLAIMS AGAINST CANADA PURSUANT TO PARAGRAPH (1) OF ARTICLE VIII OF THE NORTH ATLANTIC TREATY ORGANIZATION STATUS OF FORCES AGREEMENT IF THE DAMAGE:

(A) WAS CAUSED BY A MEMBER OF AN EMPLOYEE OF THE ARMED SERVICES OF CANADA; OR

(B) AROSE FROM THE USE OF ANY VEHICLE, VESSEL OR AIRCRAFT OWNED BY CANADA AND USED BY ITS ARMED SERVICES,

THE U.S. AGREES TO WAIVE ALL ITS CLAIMS ON ACCOUNT OF SUCH DAMAGE.

8. TAXES AND CUSTOMS DUTIES

A. CANADA SHALL GRANT REMISSION OF CUSTOMS DUTIES AND EXCISE TAXES ON GOODS IMPORTED INTO CANADA, AND OF FEDERAL SALES AND EXCISE TAXES ON GOODS PURCHASED IN CANADA, WHICH ARE OR WILL BECOME THE PROPERTY OF THE U.S. AND ARE TO BE USED IN THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF FACILITIES AT GOOSE BAY. CANADA SHALL ALSO GRANT REFUNDS BY WAY OF DRAWBACKS OF THE CUSTOMS DUTY PAID ON GOODS IMPORTED BY CANADIAN MANUFACTURERS AND USED IN THE MANUFACTURE OR PRODUCTION OF GOODS PURCHASED BY OR ON BEHALF OF THE UNITED STATES AIR FORCE WHICH UNCLASSIFIED

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ARE OR WILL BECOME THE PROPERTY OF THE U.S. IN CONNECTION WITH THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE FACILITIES AT GOOSE BAY.

B. THE USAF WILL NOT BE REQUIRED TO PAY ANY TAX OR FEE IN RESPECT OF THE REGISTRATION OR LICENSING OF OFFICIAL MOTOR VEHICLES FOR USE IN CONNECTION WITH ITS OPERATIONS AT GOOSE BAY.

C. SUBPARAGRAPHS A AND B ABOVE SHALL IN NO WAY
LIMIT THE APPLICATION OF CUSTOMS OR FISCAL EXEMPTIONS
OR TAX RELIEF PROVIDED BY THE NORTH ATLANTIC TREATY
ORGANIZATION STATUS OF FORCES AGREEMENT.

9. IMPLEMENTING ARRANGEMENTS

IMPLEMENTING ARRANGEMENTS BETWEEN THE USAF ON BEHALF
OF THE U.S. AND APPROPRIATE AGENCIES OF THE CANADIAN
GOVERNMENT MAY BE MADE FROM TIME TO TIME FOR THE PURPOSE
OF CARRYING OUT THE INTENT OF THIS AGREEMENT. END TEXT.
ENDERS

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